

TOWN OF DAVIE TOWN COUNCIL AGENDA REPORT

TO: Mayor and Councilmembers

FROM/PHONE: Mark Kutney, AICP, Development Services Director/(954) 797-1101

SUBJECT: Ordinance 1st Reading/Quasi-judicial
ZB 11-2-01, Calvin, Giordano & Associates Inc./Covenant House, 6991
Orange Drive/Generally located on Orange Drive between the Davie
Fire Station and Town homes at Orange Drive

AFFECTED DISTRICT: District 2

TITLE OF AGENDA ITEM: AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, APPROVING PETITION ZB 11-2-01, CHANGING THE CLASSIFICATION OF CERTAIN LANDS WITHIN THE TOWN OF DAVIE FROM CF, COMMUNITY FACILITIES DISTRICT AND A-1, AGRICULTURAL DISTRICT TO RM-10 MEDIUM DENSITY DWELLING DISTRICT; AMENDING THE TOWN ZONING MAP TO COMPLY THEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE

REPORT IN BRIEF: The applicant is requesting to rezone the 4.9 acre subject site from CF, Community Facilities District & A-1, Agricultural District, in order to allow development of townhouses. The southern half of the subject site is presently occupied by a vacant residential structure that was utilized by a private, non-profit organization (Covenant House) which provided shelter and support services to troubled youth under the age of 21. The remainder of the site is overgrown with heavy vegetation.

The maximum number of townhouses permitted by the land use classification is 49 units, and the petitioner has submitted a plat and site plan showing 45 units. The request is not in conflict with Comprehensive Plan or any element thereof. The subject site meets the minimum lot area and frontage required by the Land Development Code's conventional development standards for the RM-10, Medium Density Dwelling District. It is believed that the use will not excessively increase traffic beyond what was anticipated by the underlying 10 DU/AC Residential land use plan designation. The proposed rezoning will not create an isolated zoning district and the use can be considered to be in harmony with the general intent and purpose of the code, and will not be detrimental to the public welfare.

PREVIOUS ACTIONS: None

CONCURRENCES: At the February 13, 2002 Planning and Zoning Board meeting Vice-Chair Bender made a motion, seconded by Ms. Moore, to approve (Motion carried 4-0, Mr. Waitkus was absent).

FISCAL IMPACT: None

RECOMMENDATION(S): Motion to approve

Attachment(s): Ordinance, Planning Report, Justification letter, Land use map, Subject site

map, Aerial

ORDINANCE _____

AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, APPROVING PETITION ZB 11-2-01, CHANGING THE CLASSIFICATION OF CERTAIN LANDS WITHIN THE TOWN OF DAVIE FROM CF, COMMUNITY FACILITIES DISTRICT AND A-1, AGRICULTURAL DISTRICT TO RM-10 MEDIUM DENSITY DWELLING DISTRICT; AMENDING THE TOWN ZONING MAP TO COMPLY THEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town Council of the Town of Davie authorized the publication of a notice of a public hearing as required by law, that the classification of certain lands within the Town be changed from CF, Community Facilities District & A-1, Agricultural District to RM-10, Medium Density Dwelling District;

WHEREAS, said notice was given and publication made as required by law, and a public hearing thereunder was held on the date of the adoption of this ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF DAVIE FLORIDA:

SECTION 1. That the property herein after described be and the same is hereby rezoned and changed from CF, Community Facilities District & A-1, Agricultural District to RM-10, Medium Density Dwelling District:

a. The subject property is described in Exhibit "A", which is attached hereto and made a part hereof.

SECTION 2. That the zoning map heretofore adopted by the Town Council be and the same is hereby amended to show the property described in Section 1, herein, as RM-10, Medium Density Dwelling District.

SECTION 3. All Ordinances or parts of Ordinances in conflict herewith are to the extent of such conflict hereby repealed.

SECTION 4. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is, for any reason, held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portion of this Ordinance.

SECTION 5. This Ordinance shall take effect immediately upon its passage and adoption.

PASSED ON FIRST READING THIS _____ DAY OF _____, 2002.

PASSED ON SECOND READING THIS _____ DAY OF _____, 2002.

ATTEST:

MAYOR/COUNCILMEMBER

TOWN CLERK

APPROVED THIS _____ DAY OF _____, 2002.

Application #: ZB 11-2-01
Exhibit "A"

Revisions:
Original Report Date: 4/15/2002

TOWN OF DAVIE
Development Services Department
Planning & Zoning Division Staff
Report and Recommendation

APPLICANT INFORMATION

Owner:

Name: Covenant House Florida, Inc.
Address: 733 Breakers Avenue
City: Fort Lauderdale, FL 33304
Phone: (954)568-7913

Agent:

Name: Calvin, Giordano & Associates
Address: 1800 Eller Drive, Suite 600
City: Fort Lauderdale, FL 33316
Phone: (954)921-7781

BACKGROUND INFORMATION

Date of Notification: February 6, 2002 **Number of Notifications:** 371

Application History: No deferrals have been requested.

Application Request: Rezone the 4.9 acre subject site **FROM:** CF, Community Facilities District & A-1, Agricultural District; **TO:** RM-10, Medium Density Dwelling District.

Address/Location: 6991 Orange Drive/Generally located on Orange Drive between the Davie Fire Station and Town homes at Orange Drive.

Future Land Use Plan Designation: Residential (10 DU/AC)

Zoning: CF, Community Facilities District & A-1, Agricultural District

Existing Use: Vacant single family dwelling that was utilized by a private, non-profit organization (Covenant House) which provided shelter and support services to troubled youth under the of 21.

Proposed Use: Townhouses

Parcel Size: 4.9 acres (217,733 square feet)

Surrounding Uses:

North: Multi-family Residential (Hidden Acres)
South: Orange Drive, Griffin Canal
East: Davie Fire Station, Public Works, ect.
West: Multi-family Residential
(Town homes at Orange Drive)

Surrounding Land

Use Plan Designation:

Regional Activity Center
Recreation and Open Space
Community Facilities

Residential (10 DU/AC)

Surrounding Zoning:

North: RM-16, Medium-High Density Dwelling District
South: A-1, Agricultural District
East: CF, Community Facilities District
West: RM-10, Medium Density Dwelling District

ZONING HISTORY

Related Zoning History: None

Previous Request on same property: Town Council approved ZB 5-2-85 Brian Southern and Roger Domico, rezoning 2.24 acres of the subject site from A-1, Agricultural District to CF, Community Facilities District on June 5, 1985. Ordinance 85-63 was signed by the Mayor on July 17, 1985. (Item was originally scheduled for the 5/1/85 meeting but no one showed up and the item was deferred.) Staff and Planning Zoning Board recommended approval of the request with no conditions or deed restrictions, and no one spoke for or against the item. According to available minutes, staff was asked the maximum permitted density in an ACLF under the CF zoning and cited the Code's restriction of 35 exclusive of staff. The precise request for the rezoning can not be determined, but assisted living facility is assumed from the minutes, as the file was destroyed in 1996 pursuant to the 10 year policy for the retention of rezoning files.

APPLICATION DETAILS

The applicant is requesting to rezone the 4.9 acre subject site from CF, Community Facilities District & A-1, Agricultural District, in order to allow development of townhouses. The southern half of the subject site is presently occupied by a vacant residential structure that was utilized by a private, non-profit organization (Covenant House) which provided shelter and support services to troubled youth under the age of 21. The remainder of the site is overgrown with heavy vegetation.

Applicable Codes and Ordinances

1. Section 12-307 of the Land Development Code, review for rezonings.
 2. Section 12-83 of the Land Development Code, Conventional Residential Development Standards, RM-10, Medium Density Dwelling District, requires minimum lot area of 3,500 square feet, minimum lot frontage of 100 feet, setbacks: front 25 feet, side 20 feet, rear 25 feet, and maximum height of 35 feet.
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Comprehensive Plan Considerations

Planning Area: The subject property falls within Planning Area 8. The subject property falls within Planning Area 8. This Planning Area is the heart of Davie and is the most diverse, characterized by older, small-scale commercial development, older single-family residential neighborhoods, and newer, large-scale multi-family residential developments that serve the rapidly growing South Florida Education Center (SFEC). It is bounded on the north by Nova Drive, south by Orange Drive, east by Florida's Turnpike, and west by University Drive. The

planning area encompasses the downtown Davie Business District, where western theme architecture is required, the Davie Town Hall and Rodeo Arena, two large mobile home communities, and industrial land.

Broward County Land Use Plan: The subject site falls within Flexibility Zone 99.

Applicable Goals, Objectives & Policies: Policy 17-2: No property within the Town shall be rezoned to a zoning district that is not in compliance with the Davie Future Land Use Plan.

Staff Analysis

The purpose of this rezoning request is to allow development of townhouses on the subject site. The maximum number of townhouses permitted by the land use classification is 49 units, and the petitioner has submitted a plat and site plan showing 45 units. The request is not in conflict with Comprehensive Plan or any element thereof. The subject site meets the minimum lot area and frontage required by the Land Development Code's conventional development standards for the RM-10, Medium Density Dwelling District. It is believed that the use will not excessively increase traffic beyond what was anticipated by the underlying 10 DU/AC Residential land use plan designation. The proposed rezoning will not create an isolated zoning district and the use can be considered to be in harmony with the general intent and purpose of the code, and will not be detrimental to the public welfare.

Findings of Fact

Rezoning:

Section 12-307(A)(1):

The following findings of facts apply to the rezoning request.

- (a) The proposed change is not contrary to the adopted comprehensive plan, as amended, or any element or portion thereof;
- (b) The proposed change will not create an isolated zoning district unrelated and incompatible with adjacent and nearby districts;
- (c) Existing zoning district boundaries are logically drawn in relation to existing conditions on the property proposed for change;
- (d) The proposed change will not adversely affect living conditions in the neighborhood;
- (e) The proposed change will not create or excessively increase automobile and vehicular traffic congestion above that which would be anticipated with permitted intensities or densities of the underlying land use plan designation, or otherwise affect public safety;

While the use will increase traffic, the increase will not be excessive in relation to what was anticipated by the land use plan designation.

- (f) The proposed change will not adversely affect other property values;

(g) The proposed change will not be a deterrent to the improvement or development of other property in accord with existing regulations;

(h) The proposed change does not constitute a grant of special privilege to an individual owner as contrasted with the welfare of the general public;

(i) There are not substantial reasons why the property cannot be used in accord with existing zoning.

(j) The proposed zoning designation may be the most appropriate designation to enhance the Town's tax base given the site location relative to the pattern of land use designations established on the future land use plan map, appropriate land use planning practice, and comprehensive plan policies directing land use location.

Staff Recommendation

Recommendation: Based upon the above and the finding of facts in the positive, staff recommends **approval**, of petition ZB 11-2-01.

Planning & Zoning Board Recommendation

At the February 13, 2002 Planning and Zoning Board meeting Vice-Chair Bender made a motion, seconded by Ms. Moore, to approve (Motion carried 4-0, Mr. Waitkus was absent).

Exhibits

1. Justification letter
1. Land use map
2. Subject site map
3. Aerial

Prepared by: _____

Reviewed by: _____

CRITERIA FOR REVIEWING REZONING REQUESTS

WOODMILL POND REZONING FROM A-1 & CF TO RM-10

November 30, 2001

- 1) The proposed change is contrary to the adopted comprehensive plan, as amended, or any element or portion thereof.

The rezoning will actually bring the property's zoning in conformance with the land use plan designation of Low Medium 10. Public facilities are in place to adequately serve the proposed in-fill development.

- 2) The proposed change would create an isolated zoning district unrelated and incompatible with adjacent and nearby districts.

The existing agricultural zoning is actually an isolated designation. The rezoning will be compatible with the multi-family developments abutting the site to the north and west. The Town's community facility (police and fire) is to the east.

- 3) Existing zoning district boundaries are illogically drawn in relation to existing conditions on the property proposed for change.

This is a redevelopment site just west of the Downtown District and north of the Griffin Road Corridor District. The south half of the narrow site is CF and the north half of the site is A-1. The existing use of the CF area is a vacant house (formerly boys shelter) and the A-1 area is vacant land covered with exotic growth such as Australian Pines, no longer suitable for true agricultural use. The A-1 designation is a remnant from the early days where the entire area was agricultural.

- 4) The proposed change will adversely affect living conditions in the neighborhood.

The existing house is in disrepair and vacant and will be demolished. The proposed project will include perimeter landscape buffers. In addition, the design of the project will include wide buffers, canal maintenance and retention areas abutting the canal on the west, while the units will be on the east side. This will create generous separation from adjacent residential uses, which will eliminate or reduce noise and light affects on the adjacent properties. In addition, 80 feet of right-of-way will be dedicated for Orange Drive. Development of the site will also reduce the potential for brush fires and wind damage (from the Australian Pines). Given this, the proposed rezoning will not adversely affect living conditions in the neighborhood.

- 5) The proposed change will create or excessively increase automobile and vehicular traffic congestion or otherwise affect public safety.
The project will not excessively increase traffic congestion. A recent informational trips run revealed that the proposed project would not create a concurrency problem (see attached report).

- 6) The proposed change will adversely affect other property values.

On the contrary, this in-fill development will increase the value of the adjacent properties as well as greatly increase the value of the site itself, bringing in more tax revenue to the Town.

- 7) The proposed change will be a deterrent to the improvement or development of other property in accord with existing regulations.

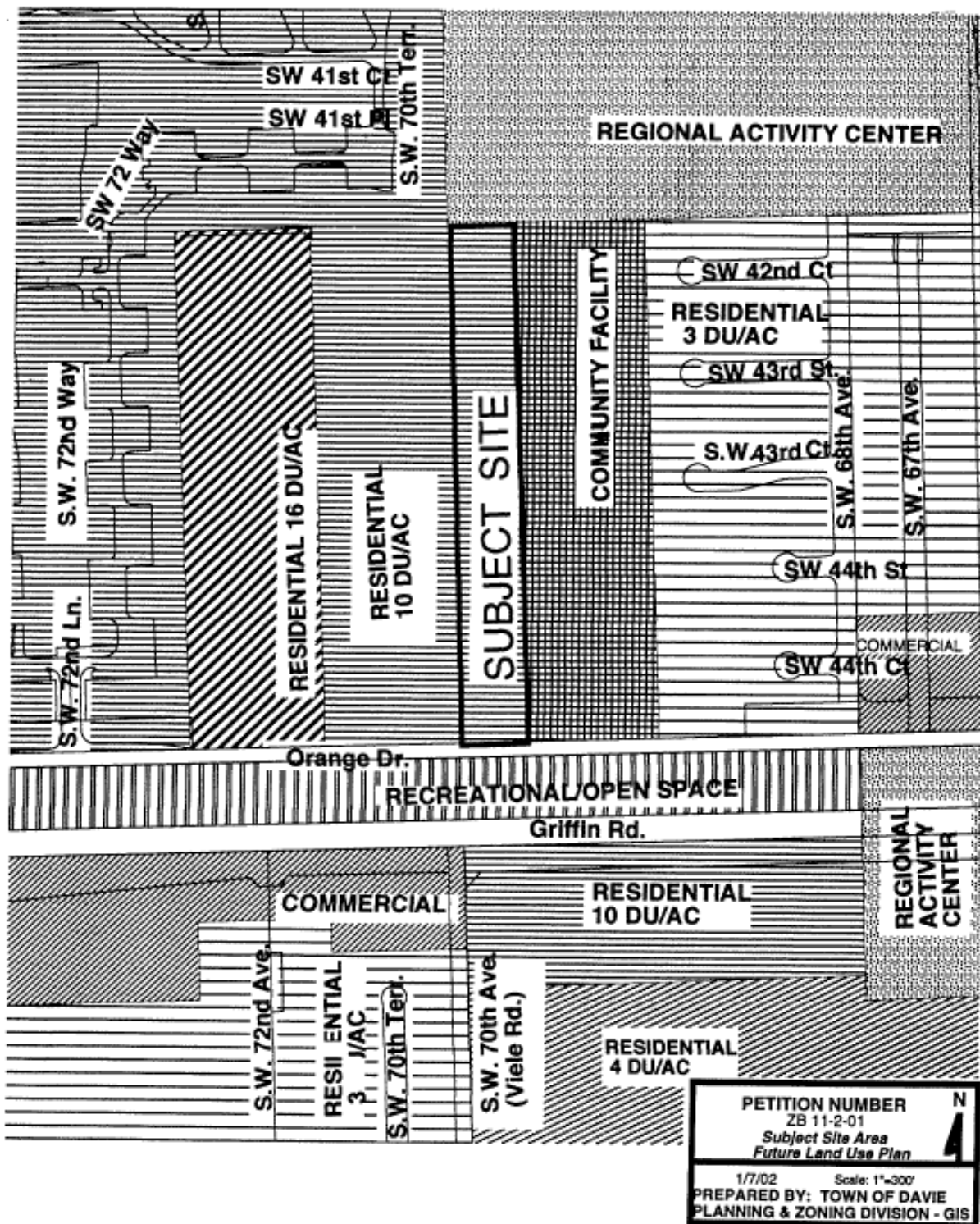
The rezoning will not impede the improvement or development of other properties in the area. In fact, this in-fill redevelopment project could act as a positive stimulus for more positive improvement in the area.

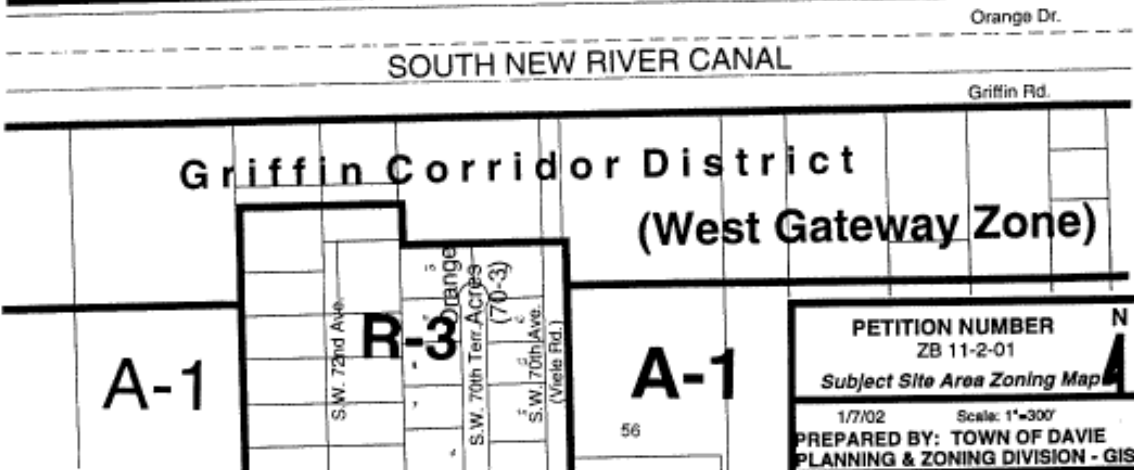
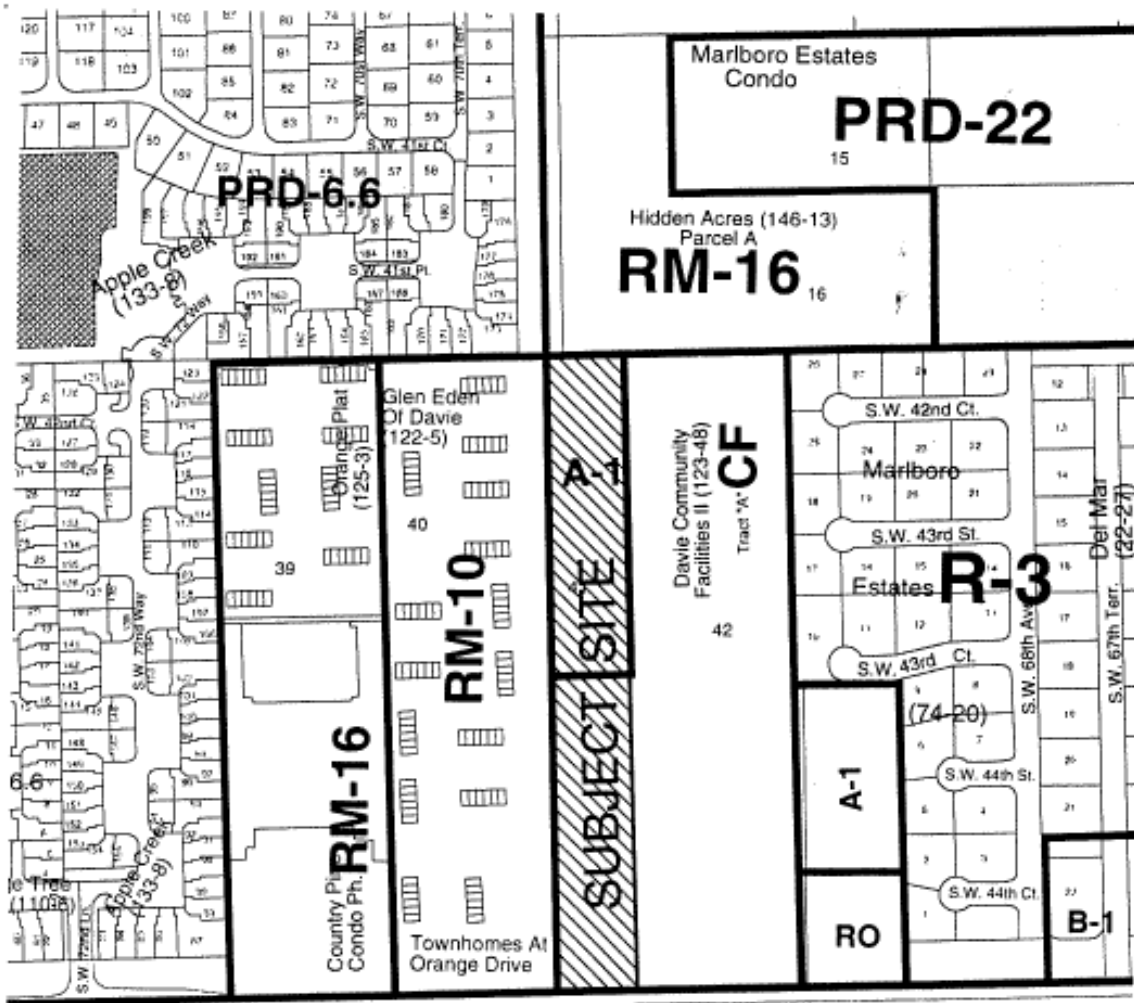
- 8) The proposed change will constitute a grant of special privilege to an individual owner as contrasted with the welfare of the general public.

The proposed rezoning will not constitute a grant of special privilege or compromise the welfare of the general public.

- 9) There are substantial reasons why the property cannot be used in accord with existing zoning.

The site is only 5 acres with half of the site being zoned A-1. The A-1 area is too small and therefore obsolete to support agricultural uses. The A-1 zoning would allow 1 dwelling unit in addition to the vacant unit located in the CF portion of the site. The adjacent density and uses (multi-family, fire and police repair facilities) make the site unsuitable for single-family use. The extremely narrow width of the site would make it a difficult site for the uses permitted in the CF District due to design constraints related to parking and circulation. The site is further constrained by the need for CBWCD easements.





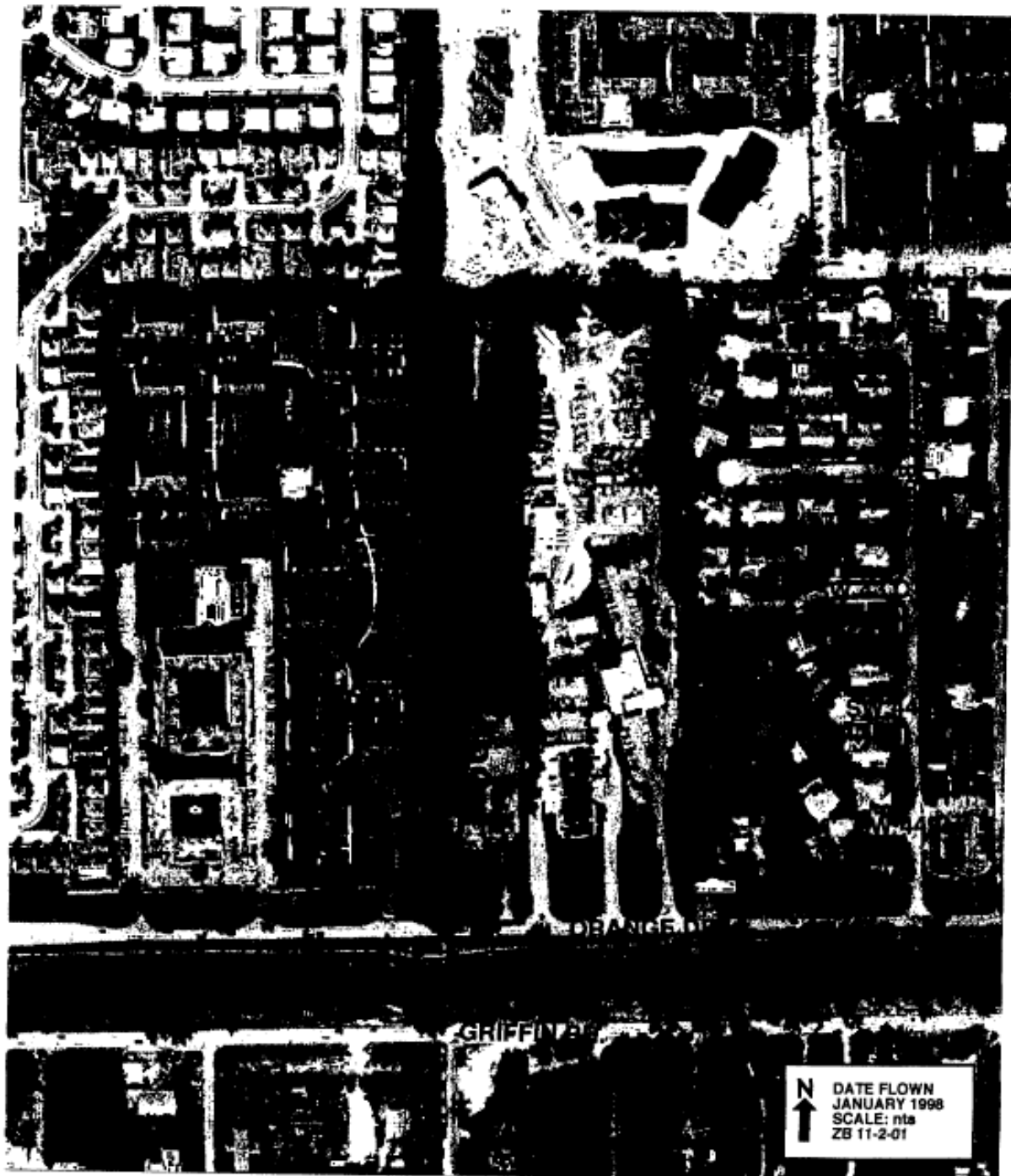
PETITION NUMBER
ZB 11-2-01

Subject Site Area Zoning Map

1/7/02

Scale: 1"=300'

PREPARED BY: TOWN OF DAVIE
PLANNING & ZONING DIVISION - GIS



N
↑
DATE FLOWN
JANUARY 1998
SCALE: n/a
ZB 11-2-01